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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,474	10/30/2000	Dennis J. Riga	TPP 30837A	6613

7590 05/07/2003

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Washington, DC 20036

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/698,474

Applicant(s)  
Dennis J. Riga

Examiner  
Pierre E. Elisca

Art Unit  
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02/10/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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**DETAILED ACTION**  
**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's Response filed on 2/10/2003.
2. Claims 1-20 are presented for examination.

*Claim Rejections - 35 USC § 103 (a)*

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bachman et al. (U.S. Pat. No. 6,276,034) in view of Official Notice.

As per claims 1 and 3-20 Bachman discloses a slat wall death care merchandise display unit comprising a back wall with a plurality of slats attached such that a plurality of parallel, uniform slots are created (which is equivalent to Applicant's claimed invention wherein it is stated that a method of merchandising both death care products and death care related products), the method comprising the steps:

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providing a plurality of similar modules, said modules being arranged in proximity (see., abstract, col 2, lines 12-36);

displaying in at least one of the death care merchandise selected from the group consisting of caskets and coffins, miniatures thereof or sectional portions thereof (see., Figs 1 and 2, col 3, lines 4-15); and

displaying in at least one of death care related merchandise selected from the group consisting of printed materials, videotape or film, CD, DVD, videotape, keepsakes and floral arrangements (see., abstract, Figs 1 and 2, col 2, lines 12-67, col 3, lines 1-65, Applicant should duly note that the death care merchandise of Bachman is a floral arrangement, i.e. Figs 1 and 2). It is to be noted that Bachman fails to include a module (s) or computer (s) or processor (s) in the slat wall death care merchandise display unit. However, Examiner hereby takes Official notice that module or computer or processor is well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a module or computer or processor in the slat wall death care merchandise display unit of Bachman because such modification would automatically display death care merchandise in funeral product stores.

**As per claim 2, Bachman** discloses the claimed method, wherein the printed matter includes cards, stationery, books, pamphlets and literature (see., Figs 1 and 4, col 2, 12-67, please note that the slat death care merchandise of capable of displaying CD, DVD, books, pamphlets, cards, literature).

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### RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 02/10/2003 have been fully considered but they are moot in view of new ground (s) of rejection.

### CONCLUSION

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patents of Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**



Pierre Eddy Elisca

Patent Examiner

**April 30, 2003**